

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

Bureau of Consumer Financial  
Protection,

Petitioner,

v.

Center for Excellence in Higher  
Education,

Respondent.

**ORDER TO SHOW CAUSE**

Case No.: 2:19-cv-00877-DB-CMR

Judge Dee Benson

Magistrate Judge Cecilia M. Romero

This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) (ECF 3). Before the court is Petitioner Bureau of Consumer Financial Protection's (Bureau) Petition to Enforce Civil Investigative Demand (CID) against Respondent Center for Excellence in Higher Education (CEHE) (ECF 2). Having considered the Petition and documents filed in support thereof, and for good cause appearing, the court being fully advised in this matter, and there being no just cause for delay:

**IT IS HEREBY ORDERED** that on ***Monday, December 30, 2019, at 2:00 p.m.,*** the Respondent shall appear before United States Magistrate Judge Cecilia M. Romero, in Courtroom 7.400 of the U.S. Courthouse, located at 351

South West Temple Street, Salt Lake City, Utah, 84101, to show cause why an Order Compelling Compliance with CID should not be granted in accordance with the Petition filed by the Bureau.

**IT IS FURTHER ORDERED** that:

1. A copy of this Order, together with the petition and its exhibits, shall be served in accordance with Rule 4(h) of the Federal Rules of Civil Procedure and 12 U.S.C. § 5562(e)(2) upon Respondent within 21 days of the date that this Order is served upon counsel for the Bureau, or as soon thereafter as possible. Pursuant to Rule 4.1(a), the court hereby appoints Benjamin Konop, or any other person designated by the Bureau, to effect service in this case.
2. Proof of service completed pursuant to paragraph 1, above, shall be filed with the Clerk as soon as practicable.
3. Because the file in this case reflects a prima facie showing that the investigation is being conducted for a legitimate purpose, that the inquiries may be relevant to that purpose, that the information sought is not already within the Bureau's possession, and that the administrative steps required by the Consumer Financial Protection Act of 2010 and its implementing regulations have been followed, the burden of coming forward to oppose enforcement of the CID has shifted to Respondent.

4. If Respondent has any defense to present or opposition to the petition, such defense or opposition shall be made in writing and filed with the Clerk and copies served on counsel for the Bureau 21 days after Respondent has been served with this Order pursuant to paragraph 1. The Bureau may file a reply memorandum to any opposition within 14 days after Respondent has filed any opposition.

5. At the show cause hearing, only those issues brought into controversy by the responsive pleadings and factual allegations supported by the Konop declaration will be considered. Any uncontested allegation in the petition will be considered admitted.

6. Respondent may notify the Court, in writing filed with the Clerk and served on counsel for the Bureau, at least 14 days prior to the date set for the show cause hearing, that Respondent has no objection to enforcement of the CID.

Respondent's appearance at the hearing will then be excused.

IT IS SO ORDERED.

DATED this 19 November 2019.



Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah